

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

SHERI POULSTON,

Plaintiff,

v.

Case No. 2:20-cv-802-JLB-MRM

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER


The Magistrate Judge filed a Report and Recommendation (“R&R”) on September 28, 2021, recommending that the Commissioner’s unopposed motion to remand under sentence four of 42 U.S.C. § 405(g) be granted. (Docs. 23, 24.) A district judge may accept, reject, or modify the magistrate judge’s R&R. 28 U.S.C. § 636(b)(1). In the absence of objections, a district judge is not required to review the factual findings in the report de novo, but legal conclusions are reviewed de novo even without an objection. Id.; Cooper-Houston v. S. Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993). After an independent review of the record—and noting that the motion to remand is unopposed—the Court agrees with the R&R.

Accordingly, it is **ORDERED**:

1. The Report and Recommendation (Doc. 24) is **ADOPTED**, and the Commissioner’s unopposed motion to remand (Doc. 23) is **GRANTED**.

2. The Commissioner's decision denying benefits is **REVERSED** and this action is **REMANDED** for further consideration under sentence four of 42 U.S.C. § 405 consistent with the unopposed motion. (Doc. 23 at 1.)
3. The Court finds good cause to suspend application of Local Rule 7.01 and Plaintiff is **DIRECTED** to file a single motion for fees and costs, if appropriate, requesting a determination of both entitlement and amount. If Plaintiff prevails in this case on remand, Plaintiff is further **DIRECTED** to comply with the November 14, 2012 order (Doc. 1) in Miscellaneous Case No. 6:12-mc-124-Orl-22.
4. The Clerk of Court is **DIRECTED** to enter judgment, terminate any pending deadlines, and close the file.

ORDERED in Fort Myers, Florida, on October 13, 2021



JOHN L. BADALAMENTI
UNITED STATES DISTRICT JUDGE